



The Great Lakes – St. Lawrence River Basin Water Resources Compact

September 14, 2007

Welcome

- Council of Great Lakes Governors
 - Founded in 1983.
 - Mission: To encourage and facilitate environmentally responsible economic growth.
 - Members: Governors of the eight Great Lakes States – Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin.
 - Associate Members: Premiers of Ontario and Québec.



Welcome

- Agenda

- Introduction and Context
- Interstate Compacts
- Great Lakes Agreement and Compact
- Issues, Questions and Resources

- Learning Objectives

- Understand the general functions and use of compacts.
- Learn about the history of the Great Lakes States' and Provinces' efforts to protect and manage Great Lakes water.
- Become familiarized with the objectives of the recent agreements and the implementation process.



Introduction

■ Generate: Answers

1. The Great Lakes represent what percentage of the world's freshwater supply?

18%

2. How many people reside within the Great Lakes basin?

35,000,000 (25 million in the US, 10 million in Canada)

3. How deep is Lake Superior?

a. 483 feet

b. 653 feet

c. 1,248 feet

d. 1,332 feet

e. 1,684 feet

4. How many miles of coastline are there on the Great Lakes?

a. 5,208

b. 10,210

c. 8,690

d. 16,784

e. 21,347

5. How many years is water retained in Lake Michigan? Lake Erie?

a. 1.5

b. 2.6

c. 5.8

d. 13.4

e. 21

f. 35

g. 50

h. 99



Introduction

■ Generate: Answers

6. The Great Lakes States represent what percentage of US Manufacturing output?

60%

7. The Great Lakes States represent what percentage of US Agricultural sales?

30%

8. What is the largest economic sector in the Great Lakes States?

Manufacturing

9. How many electoral votes do the Great Lakes States have?
How does this compare to 1950?

141 (out of 538, 26%), 169 in 1950

10. What was the last war fought in the Great Lakes?

The War of 1812



Great Lakes Context

Geography



Great Lakes Context

Hydrology



Lake	Superior	Michigan	Huron	Erie	Ontario
Elevation	600 ft	577	577	569	243
Length	350 mi	307	206	241	193
Breadth	160 mi	118	183	57	53
Ave. Depth	483 ft	279	195	62	283
Max. Depth	1,332 ft	925	750	210	802
Volume	2,900 mi ³	1,180	850	116	393
Surface Area	31,700 mi ²	22,300	23,000	9,910	7,340
Drainage Area	49,300 mi ²	45,600	51,700	30,140	24,720
Shoreline	2,726 mi	1,638	3,827	871	712
Retention	191 yrs	99	22	2.6	6

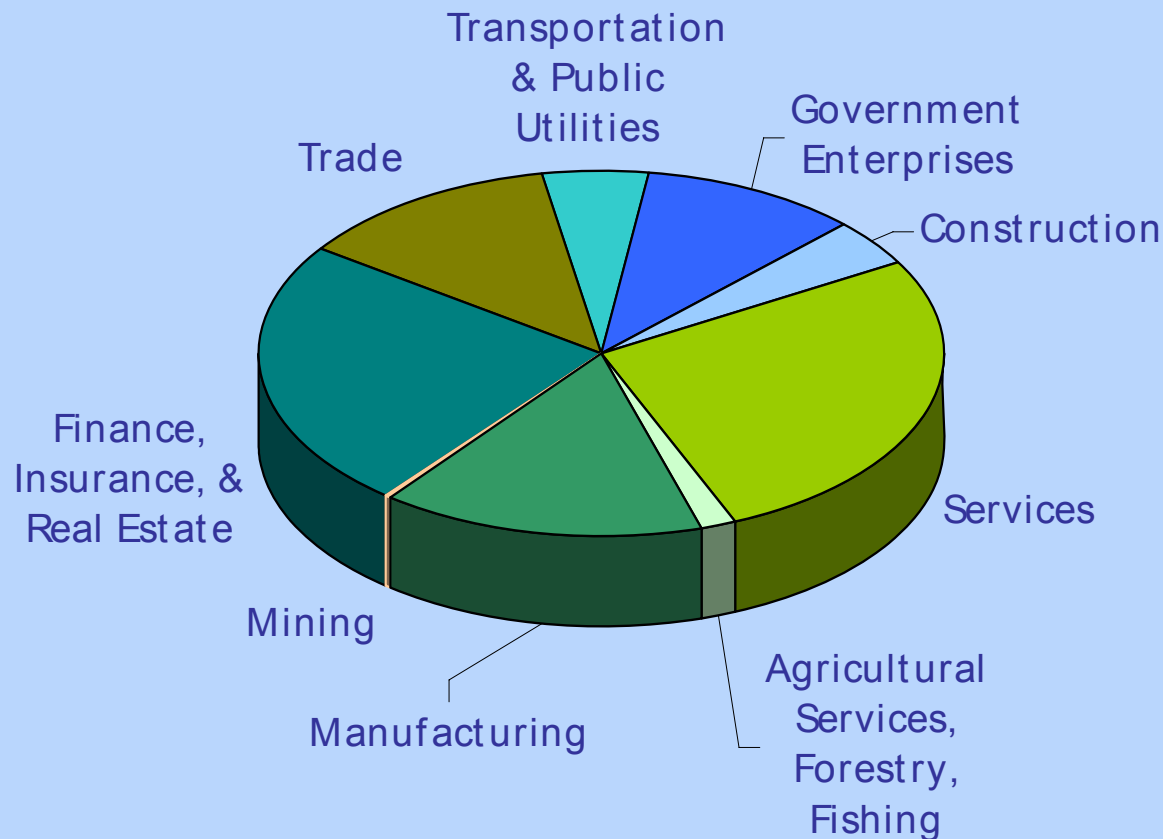
1 mi³ = 1.1 trillion gallons, GL Total = 5439 mi³ = 5.9 quadrillion gallons.



Great Lakes Context

Economy

- The Great Lakes states generated \$3.3 trillion in 2004, 29% of the U.S. GDP.
- The Great Lakes economy is diversified with manufacturing as the top single sector.
- The GDP of the region is the third-largest in the world, led only by the U.S. itself and Japan.



Great Lakes Context

Economy depends on the Lakes:

- Hydropower
- Cooling
- Drinking water
- Industrial uses
- Agriculture
- Tourism
- Shipping
- Fish and wildlife

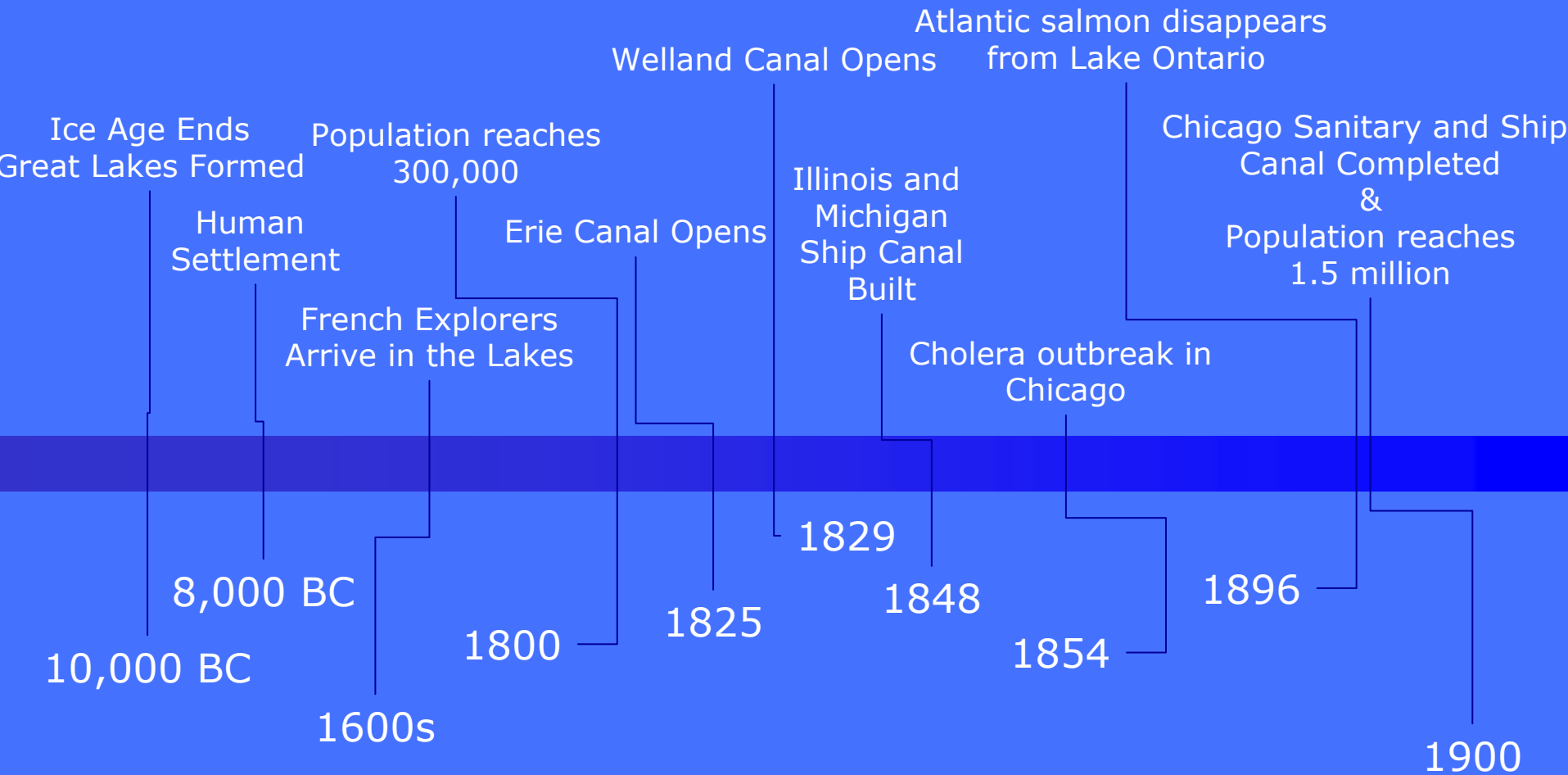
Water Use Category	Percentage of Withdrawals in 2002*
Fossil Fuel Power	36%
Nuclear	35%
Public Supply	14%
Industrial	10%
Other	3%
Domestic	1%
Irrigation	1%

*Excludes hydroelectric

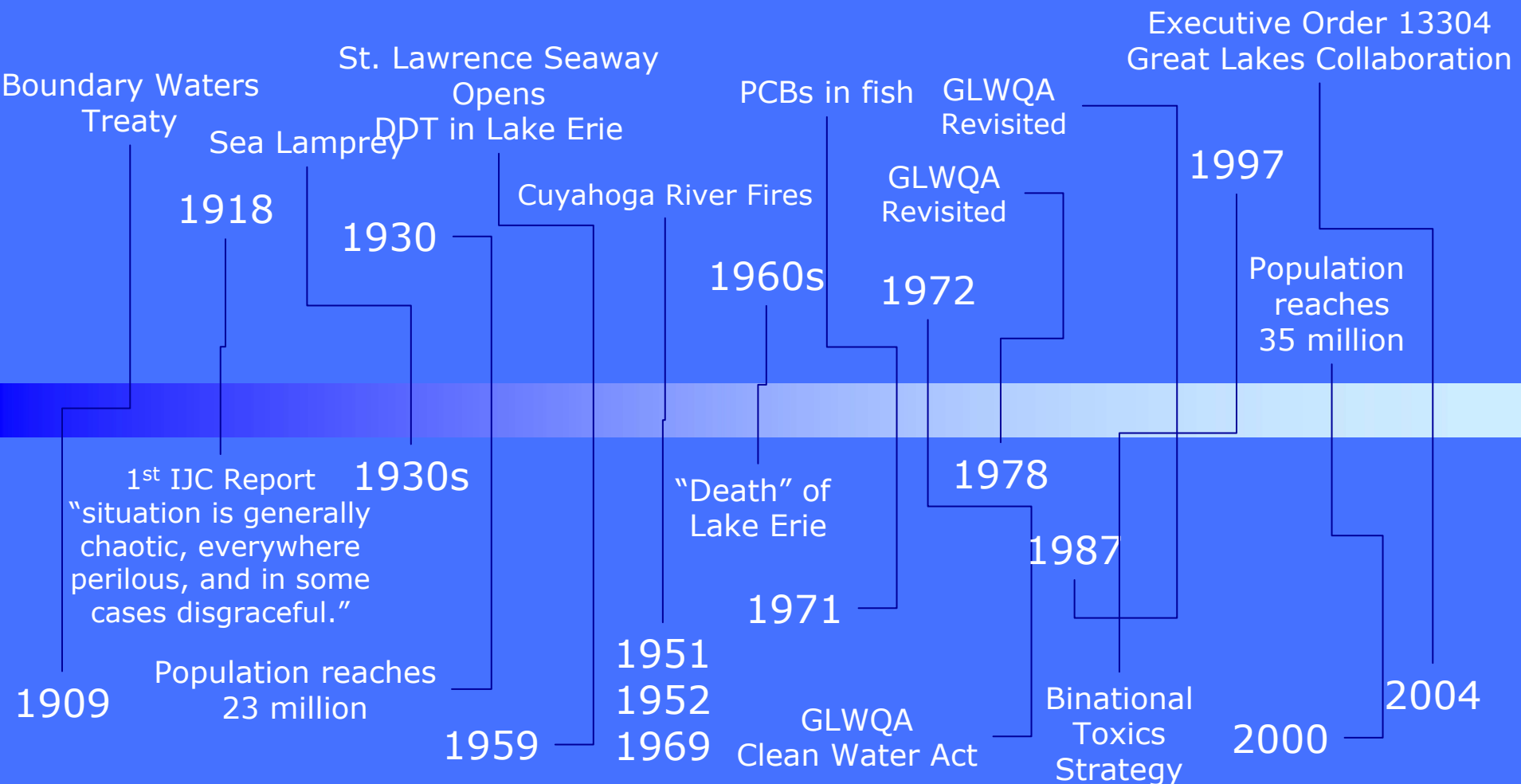
Source: Great Lakes Commission



Great Lakes Context



Great Lakes Context





Great Lakes Context

- What are the differences between Treaties, Compacts, and Agreements?
- What are the accords that are focused on the Great Lakes?

Treaty

- A treaty is a binding agreement between sovereign states. Requires 2/3 approval in the U.S. Senate.

Compact

- A compact is an agreement between States. Requires approval in all State legislatures.

Agreement

- A less formal understanding.

Treaties ▪ Compacts ▪ Agreements



Great Lakes Context

- Boundary Waters Treaty of 1909
- Great Water Quality Agreement
- Great Lakes Binational Toxics Strategy
- Great Lakes Fishery Convention
- Air Quality Agreement
- Great Lakes Basin Compact
- Great Lakes Charter and Annex
- Water Resources Development Act of 1986

Treaties ▪ Compacts ▪ Agreements



Great Lakes Context

	Water Quality	Criteria Pollutants	Toxics	Phosphorus/ Nutrients	Fishery	Invasive Species	Ecosystem Mgmt	Diversions	Infra-structure	Monitor/ Info/ Research	Habitat
Boundary Waters Treaty	X							X			
GLWQA	X		X	X			X			X	
Binational Toxics Strategy			X							X	
GL Fishery Convention					X	X	X			X	X
Air Quality Agreement	X	X								X	
GL Charter								X		X	
GL Compact					X			X	X	X	

Treaties ▪ Compacts ▪ Agreements



Great Lakes Context

Boundary Waters Treaty of 1909

- Mechanism for preventing and resolving water disputes between U.S. and Canadian federal governments.
- Created the International Joint Commission (IJC) to oversee the treaty and ensure levels and flows are not affected.
- Limitations
 - Geographic scope: only applies to boundary waters.
 - Limited to managing uses affecting levels and flows.



Great Lakes Context

Great Lakes Charter of 1985

- Good-faith agreement among the Great Lakes Governors and Premiers.
- Created notice and consultation process for large new or increased diversions, in-Basin uses.
- Commitment by States, Provinces to pass legislation to manage and regulate diversions, in-basin uses.
- Limitations
 - Good-faith nature
 - Uneven implementation



Great Lakes Context

Water Resources Development Act of 1986

- U.S. federal statute.
- Subjected diversions to approval by the Governors (veto authority).
- Limitations
 - Scope: does not include in-Basin uses.
 - Lack of definitions, decision-making standard and process.
 - Questionable applicability to groundwater.
 - Premiers not included in decision making.



Interstate Compacts ▪ Overview

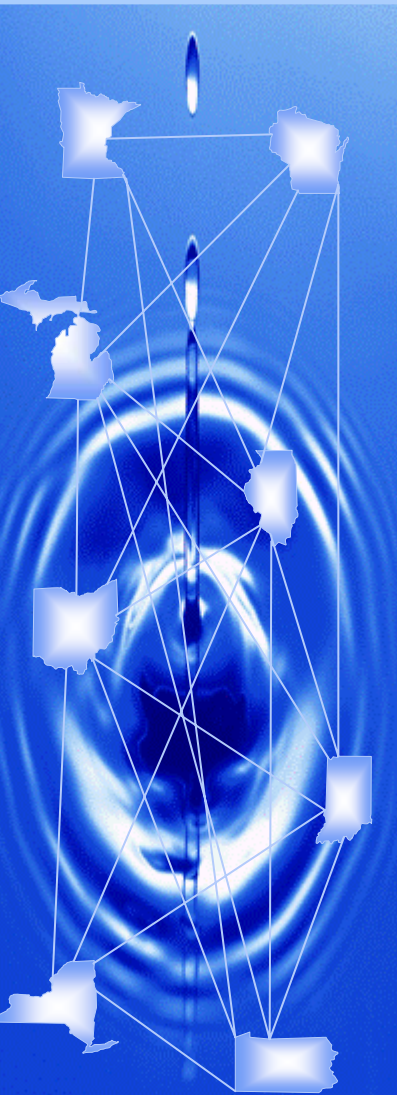
- Legal Basis
- Key Elements and Features
- History and Examples

Section Agenda



Interstate Compacts ▪ Overview

- Constitutionally Sanctioned Tool
- Principle Advantage: effective and enforceable means of interstate cooperation; States retain authority



Interstate Compacts ▪ Overview

- Contracts between two or more States
- Force and effect of statutory law
- Precedence over conflicting State laws
- Enforceable against their members



Legal Basis



Interstate Compacts ▪ History

- Use predates the Constitution
- More than 200 interstate compacts currently.
 - On average, a State belongs to about 25 compacts.
- Many are regional or national in scope.
- Types:
 - Fixed
 - Advisory
 - Regulatory

Scope and Types



Interstate Compacts ▪ Characteristics

- Formal, legal relationship among States to address common problems.
- States retain sovereignty– “collective sovereignty”
- Interstate uniformity without loss of control.

Key Elements and Features

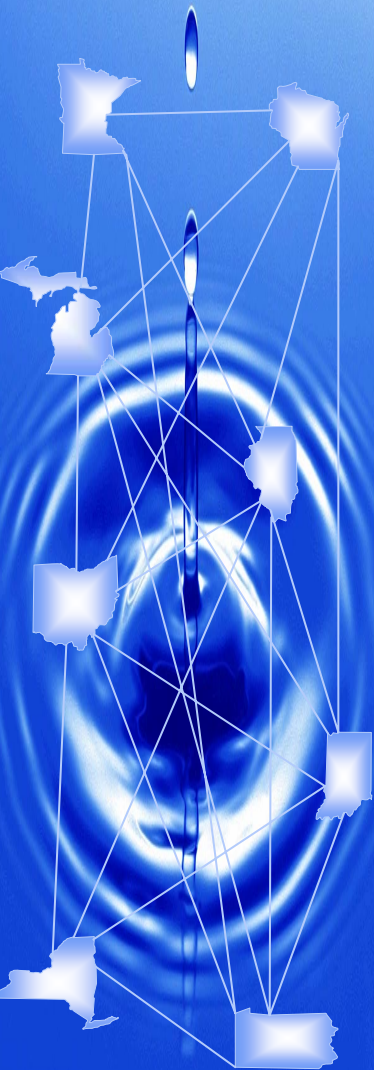


Interstate Compacts ▪ Characteristics

▪ Examples

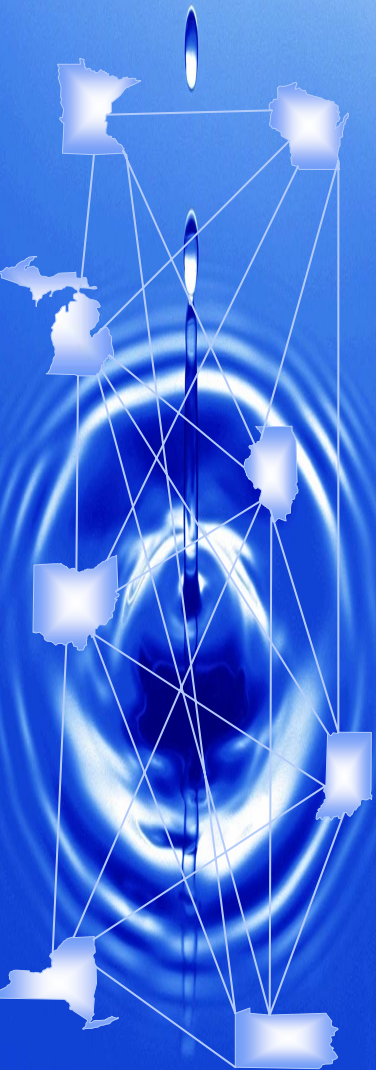
- Great Lakes Basin Compact
- Delaware and Susquehanna River Basin Compacts
- Others:
 - Health,
 - Transportation,
 - Criminal Justice,
 - Education,
 - Natural Resources,
 - Taxation, etc.

Examples



Interstate Compacts ■ Process

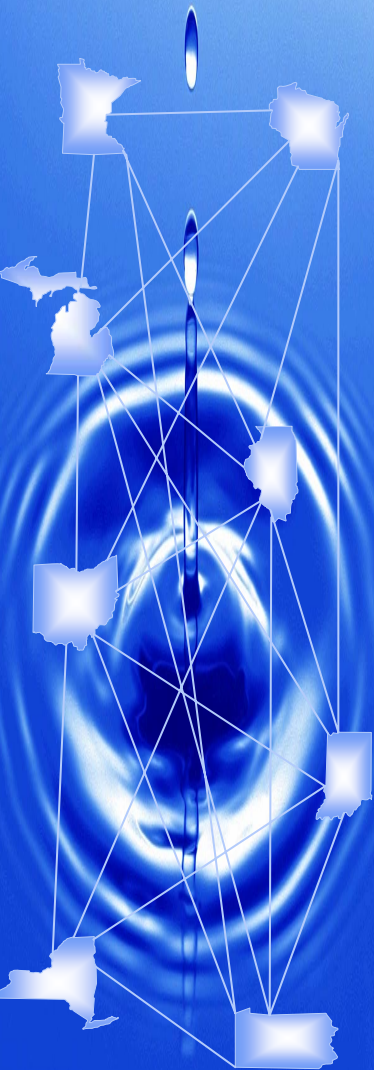
- Contractual Requirements
- Identical Language
- Congressional Consent (Transformative Effect)



Indiana Compacts

- Indiana is currently a member of at least 26 different Compacts.
- Examples of Compacts where Indiana is a party:
 - Ohio River Valley Water Sanitation Compact.
 - Interstate Compact for Adult Offender Supervision.
 - Interstate Mining Compact.

Examples



Great Lakes Agreements

- Impetus for New Protections
- Agreements' Development Process
- Key Elements of Agreement and Compact

Section Agenda



Great Lakes Agreements

What is at Stake?

- Maintaining regional control of Great Lakes water resources.
- Ensuring water is available for future use and economic growth.



Great Lakes Agreements

Impetus for New Protections

- 1998 – Nova Group proposal
- 1999 – Recurring lower Lake levels
- 2000 – WRDA amendments, IJC report
- 2001 – Great Lakes Charter Annex



Great Lakes Agreements

Agreements' Development Process

- State and Provincial Leadership
- Ten jurisdiction Working Group
- Advisory Group/Resource Group/Observers
 - Regional Stakeholders
 - Federal Governments
 - Ongoing Consultation
 - Key Role in Development
- Tribes and First Nations
- Public Involvement



Great Lakes Agreements

Agreements' Development Process

- Major Public Review
 - Public Notice – Two Rounds
 - Public Meetings in Each Jurisdiction
 - Website for Comments
 - Over 13,000 E-mailed and Written Comments Received
 - Several Regional Forums



Great Lakes Agreements

The effort to protect the Great Lakes Basin water resources has been ongoing since 1985.

Below are the Governors that signed the Charter in 1985, the Annex in 2001, and the Agreement in 2005.

State	1985	2001	2005
Illinois	Thompson (R)	Ryan (R)	Blagojevich (D)
Indiana	Orr (R)	O'Bannon (D)	Daniels (R)
Michigan	Blanchard (D)	Engler (R)	Granholm (D)
Minnesota	Perpich (D)	Ventura (other)	Pawlenty (R)
New York	Cuomo (D)	Pataki (R)	Pataki (R)
Ohio	Celeste (D)	Taft (R)	Taft (R)
Pennsylvania	Thornburgh (R)	Ridge (R)	Rendell (D)
Wisconsin	Earl (D)	McCallum (R)	Doyle (D)



Great Lakes Agreements

Key Elements of Agreement and Compact

- Great Lakes-St. Lawrence River Basin Sustainable Water Resources Agreement
 - A good-faith agreement among the Great Lakes States, Ontario, and Québec.
- Great Lakes—St. Lawrence River Basin Water Resources Compact
 - A legally enforceable contract among the Great Lakes States that will be passed into law through the State legislatures and consented by Congress.



Great Lakes Agreements

Key Elements of Agreement and Compact

Diversions

- All new or increased diversions prohibited.
 - Exceptions:
 - Straddling communities
 - Communities in straddling counties
 - Intra-Basin transfers
 - Exemptions:
 - Ballast water
 - Short-term fire fighting
 - Humanitarian needs

Details: Diversions



Great Lakes Agreements

Key Elements of Agreement and Compact

In-Basin Uses

- State, Provincial management and regulation.
- Use of common decision making standard.
- State/Provincial flexibility for determining thresholds.
- State/Provincial opportunity to comment on all large new or increased consumptive uses.

Details: In-Basin Uses



Agreement

Key Elements of Agreement and Compact

Conservation and Efficiency

- Regional goals and objectives
 - Development within 2 years.
- State, Provincial goals, objectives, programs
 - Consistent with regional goals and objectives.
 - Regional review every 5 years.
- Proposals
 - Conservation, efficiency measures.
 - Conservation, efficient use of existing water supplies.

Details: Conservation and Efficiency



Great Lakes Agreements

Great Lakes-St. Lawrence River Basin Water Resources Regional Body

- Created when Agreement was signed by Governors and Premiers
- Includes Governors, Premiers or designees
- Oversees Agreement Implementation
 - Develops regional conservation and efficiency goals and objectives
 - Develops science strategy
 - Serves as a forum for consultation and coordination



Signed Agreement





Next Steps ▪ Issues ▪ Resources

- Goals
- Logistics and Next Steps
- Resource Kit Elements
- Other Assistance Available
- Discussion

Section Agenda





Next Steps ▪ Issues ▪ Resources

Goals

- Retain authority over water management system in the region.
- Work together to ensure the Great Lakes resource is available for future use.
- State commitments to management programs, conservation and efficiency.
- Collect better information to improve scientific understanding.

Goals



Next Steps - Issues - Resources

Next Steps: States

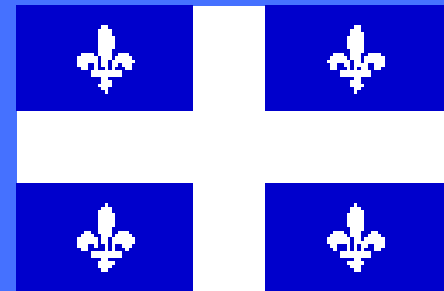
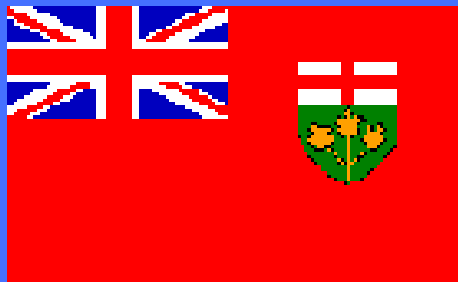
- Laws and regulations enacted
- State legislatures ratify interstate Compact
- Congressional consent obtained
- Individual State Implementation Policies Developed



Next Steps ▪ Issues ▪ Resources

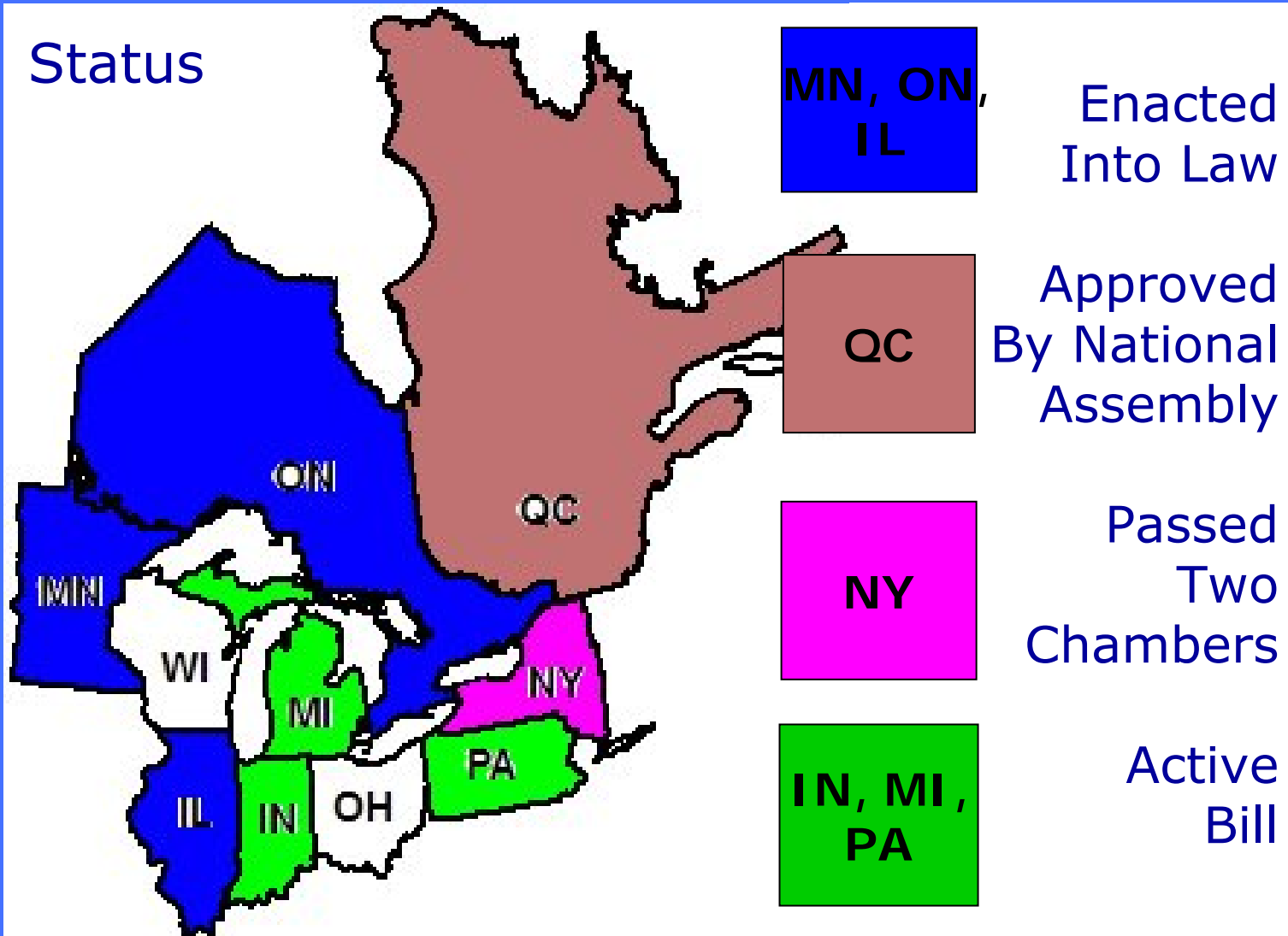
Next Steps: Provinces

- Laws and regulations enacted
- Provinces amend statutes, regulations as needed
- No federal legislation required



Next Steps - Issues - Resources

Status



Next Steps ▪ Issues ▪ Resources

State Implementation

Minnesota: Enacted into law

Governor Pawlenty signed on February 20, 2007



Illinois: Enacted into law

Governor Blagojevich signed on August 17, 2007



New York: Bills passed in both chambers

A7266--passed on February 1, 2007

S4324--passed on July 16, 2007



Indiana: Active bills

SB 0022—introduced on January 17, 2007

SB 0515—introduced on January 23, 2007



Next Steps ▪ Issues ▪ Resources

State Implementation

Michigan: Active bills

SB 212—introduced on February 20, 2007

HB 4336—introduced on February 28, 2007

HB 4343—introduced on February 28, 2007



Pennsylvania: Active bill

HB 1705—introduced on July 6, 2007



Wisconsin: Special Committee formed

Legislation anticipated this fall



Ohio:

Discussions ongoing regarding next steps



Next Steps - Issues - Resources

Provincial Implementation



Ontario: Enacted into law
Bill 198--enacted on June 4, 2007



Québec: Approved by National
Assembly

Approval on November 30, 2006
Further steps initiated to fully implement
into law





Next Steps ▪ Issues ▪ Resources

Resource Kit Elements

- Project Background, Organization and Development Process.
- Agreement and Compact.
- Frequently Asked Questions.
- Agreement and Compact Development Roster.
- Expressions of support.
- Background on Interstate Compacts.
- Existing laws, agreements, and other information.
- Guide to resources.
- Key contacts.
- www.cgig.org/projects/water/CompactImplementation.asp

Resource Kit





Next Steps ▪ Issues ▪ Resources

Assistance Available

- Council of Great Lakes Governors
 - David Naftzger, Executive Director
 - Peter Johnson, Program Director
 - 312.407.0177
- Council of State Governments
 - Mike McCabe, Midwest Director
 - 630.925.1922
- State Participants

Assistance



Next Steps ▪ Issues ▪ Resources



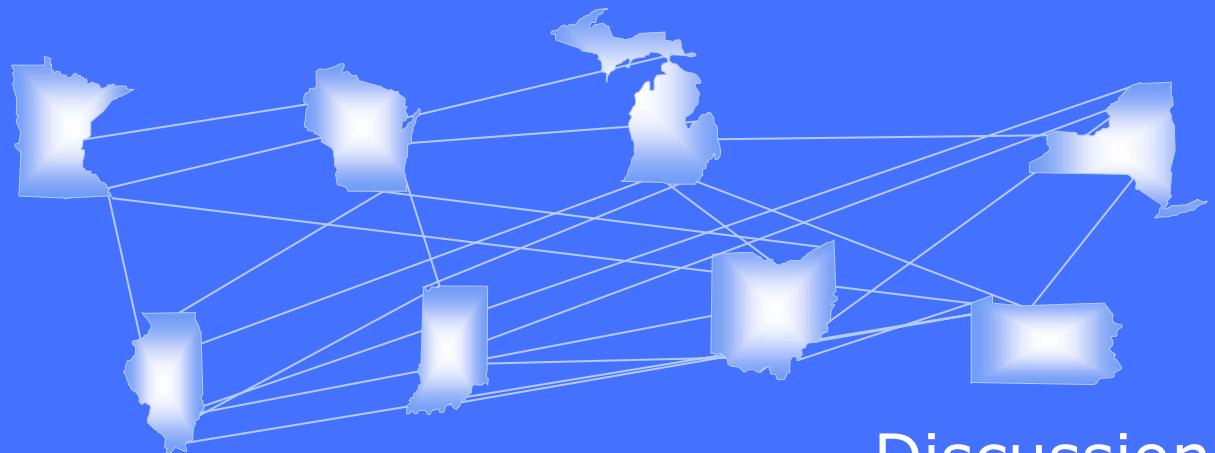
Questions



Next Steps ▪ Issues ▪ Resources

General Discussion

- Discussion
- Feedback
- Evaluation



Discussion



Thank You



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